

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 1:23-cv-21392-RNS**

MICHELLE MAUPIN,

Plaintiff,

v.

THE SCHOOL BOARD OF  
MIAMI-DADE COUNTY, *et al.*,

Defendants.

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**REPORT AND RECOMMENDATIONS**

**THIS CAUSE** is before the Court on Plaintiff's Motion for Leave to File Third Amended Complaint. (ECF No. 66). Plaintiff's proposed Third Amended Complaint (ECF No. 66-1) narrows the scope of the complaint by removing two claims. Defendants filed Responses indicating that they do not oppose the Motion; however, they request that the Court prohibit any further amendments to the complaint prior to the adjudication of motions to dismiss. (ECF Nos. 68, 69). Defendants note that Plaintiff initiated this action approximately one year and nine months ago.

In light of the foregoing, I recommend that:

1. Plaintiff's Motion for Leave to File Third Amended Complaint (ECF No. 66) be **GRANTED**;
2. Plaintiff be **ORDERED** to serve and file the Third Amended Complaint within **three (3) days** of an Order granting Plaintiff's Motion.
3. The Motion to Dismiss filed by Defendants Edouard, Howard, Molina, Robbio, Swain, Zabala, and School Board of Miami-Dade County (ECF No. 48) be **DENIED AS MOOT**;

4. The Motion to Dismiss filed by Defendant United Teachers of Dade (ECF No. 56) be **DENIED AS MOOT**;
5. Plaintiff's Motion for Leave to File Surreply in Opposition to Motion to Dismiss (ECF No. 58) be **DENIED AS MOOT**; and
6. Plaintiff's Motion for Leave to File Surreply in Opposition to Motion to Dismiss (ECF No. 61) be **DENIED AS MOOT**.

A party shall serve and file written objections, if any, to this Report and Recommendation with the Honorable Robert N. Scola, United States District Judge, within **SEVEN (7) days**<sup>1</sup> of being served with a copy of this Report and Recommendation. Responses to an objection, if any, shall be served and filed within **SEVEN (7) days** of service of the objection. Failure to timely file objections will bar a *de novo* determination by the District Judge of anything in this recommendation and shall constitute a waiver of a party's "right to challenge on appeal the district court's order based on unobjected-to factual and legal conclusions." 11th Cir. R. 3-1 (2016); 28 U.S.C. § 636(b)(1)(C); *see also Harrigan v. Metro-Dade Police Dep't Station #4*, 977 F.3d 1185, 1191–92 (11th Cir. 2020).

**RESPECTFULLY SUBMITTED** in Chambers in Miami, Florida, this 24th day of January, 2025.

  
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LAUREN F. LOUIS  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> The objection period has been shortened from the ordinary 14 days due to the unopposed nature of the relief sought.